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June 8, 2023

MEMO ENDORSED

By ECF

The Honorable Kenneth M. Karas
 The Hon. Charles L. Brieant Jr.
 Federal Building and United States Courthouse
 300 Quarropas Street, Chambers 533
 White Plains, NY 10601-4150

Re: *GlobalFoundries U.S. Inc. v.*
International Business Machines Corporation,
 Case No. 7:23-cv-03348-KMK-AEK

Dear Judge Karas:

We write on behalf of Defendant International Business Machines Corporation (“IBM”) to request an order under Your Honor’s Individual Rule IX authorizing the redaction, and sealed filing, of a minimally redacted version of the Appendix to IBM’s June 8, 2023 letter pursuant to Your Honor’s Individual Rule II.A setting forth IBM’s bases pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) to dismiss the Complaint filed by Plaintiff GlobalFoundries U.S. Inc. on April 21, 2023 (ECF No. 1) in the above-referenced action.

On May 11, 2023, the Court granted Plaintiff’s application to permanently maintain the sealed, unredacted Complaint filed in Dkt. No. 23-MC-111. (ECF No. 37.) IBM’s minimal redactions of the Appendix are limited to text from that Complaint that the Court already has ordered to be permanently maintained under seal, including Complaint paragraphs 111 and 113.

As the proposed redactions contain confidential business information and are minimal, the Court grants Defendant’s motion to permanently seal Dkt. No. 42. The Clerk of the Court is directed to terminate the pending motion at Dkt. No. 41.

cc: All counsel of record (via ECF)

Respectfully submitted,

/s/ Robert A. Atkins

Robert A. Atkins

SO ORDERED

KENNETH M. KARAS U.S.D.J.

June 9, 2023